

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UMG RECORDINGS, INC., et al.,)
)
Plaintiffs,)
)
vs.) No. 1:17-cv-00365-LY-AWA
GRANDE COMMUNICATIONS)
NETWORKS LLC,)
)
Defendant.)
)

**DEFENDANT GRANDE COMMUNICATIONS NETWORKS LLC'S
UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO FILE REPLY IN SUPPORT OF GRANDE'S MOTION FOR
SUMMARY JUDGMENT AND RESPONSE IN OPPOSITION TO
PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT**

Defendant Grande Communications Networks LLC ("Grande") hereby moves, with Plaintiffs' consent, for a six-day extension of time to file its reply in support of Grande's motion for summary judgment (ECF No. 140) and response in opposition to Plaintiffs' cross-motion for summary judgment (ECF No. 172).¹ Based on the filings reflected in the Court's electronic docketing system, Grande's reply and response briefs are currently due September 25, 2018. Grande requests a six-day extension, through and until October 1, 2018.

The requested six-day extension results from Plaintiffs' six-day delay in serving the Declaration of Steven Poltorak. Plaintiffs offer the Poltorak Declaration in support of Plaintiffs' combined response to Grande's motion for summary judgment and cross-motion for summary judgment, which was filed on September 11, 2018. ECF No. 172. With Grande's consent,

¹ Plaintiffs' cross-motion for summary judgment is also the subject of a pending motion to strike. See ECF No. 174.

Plaintiffs requested leave to file the Poltorak Declaration later, on September 14, 2018. ECF No. 170. Although Plaintiffs filed the Poltorak Declaration under seal on that date, they did not serve the Poltorak Declaration and supporting materials on Grande until September 17, 2018.

Plaintiffs have therefore agreed that Grande's deadline for filing its summary judgment response and reply briefs did not begin to run until Grande received service of the Poltorak Declaration on September 17, 2018, making Grande's response/reply deadline October 1, 2018. *See* Scheduling Order, ¶ 7 (ECF No. 66).

The interests of justice will be served by extending Grande's deadline by six days in order to provide Grande with sufficient time to properly investigate and respond to the arguments and evidence cited in Plaintiffs' combined summary judgment brief, especially considering Grande was not served with the Poltorak Declaration until six days after Plaintiffs filed their brief.

For the foregoing reasons, Grande respectfully requests that the Court grant this Motion, extend to October 1, 2018 Grande's deadline to file a reply in support of Grande's motion for summary judgment (ECF No. 140) and response in opposition to Plaintiffs' cross-motion for summary judgment (ECF No. 172), and grant any other relief the Court deems appropriate.

Dated: September 25, 2018

Respectfully submitted,

By: /s/ Zachary C. Howenstine

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(i), the undersigned certifies that counsel for the parties conferred and that Plaintiffs consent to the relief sought.

/s/ Zachary C. Howenstine
Zachary C. Howenstine

CERTIFICATE OF SERVICE

The undersigned certifies that on September 25, 2018, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(b)(1).

/s/ Zachary C. Howenstine
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